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6 Attorneys for Plaintiff  
 7 United States of America

BY:

08 APR 17 AM 11:34  
 CLERK, U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

*ER* DEPUTY

8 UNITED STATES DISTRICT COURT  
 9  
 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) Civil No. **08 CV 0703 LAB NLS**  
 11 Plaintiff, )  
 12 v. )  
 13 ONE 1999 FORD F-350 TRUCK, )  
 CA LICENSE NO. 7S45250, )  
 14 VIN 1FTSW31FXXEC08511, )  
 ITS TOOLS AND APPURTENANCES, )  
 15 Defendant. )  
 16

17 For its claim against the defendant,

18 ONE 1999 FORD F-350 TRUCK, CA LICENSE NO. 7S45250,  
 VIN 1FTSW31FXXEC08511, ITS TOOLS AND APPURTENANCES,

19  
 20 (hereinafter "defendant vehicle"), the United States of America alleges:

21 1. This Court has jurisdiction over this action by virtue of the provisions of Title 28,  
 United States Code, Section 1335, and Title 21, United States Code, Section 881.

22 2. Venue is proper in this district pursuant to Title 28, United States Code, Section 1335,  
 because the defendant property was found within this district.

23 3. During an ongoing narcotics investigation, Drug Enforcement Agency agents placed a  
 24 GPS vehicle tracker on Michael David Druker's F-350 truck, California license 7S45250 from  
 25 October 17, 2007 until November 27, 2007. Information received from the device showed Druker  
 26 traveled from his primary residence at 3220 Gopher Canyon Road, Vista, CA to his secondary residence

CR

1 at 1621 Montgomery Drive, Vista, CA on a daily basis. Druker was also seen arriving at HydroBrew,  
2 a hydroponics store which sells cultivation equipment for marijuana on several occasions and purchasing  
3 marijuana cultivation accessories. Druker was not driving the defendant vehicle on these occasions.

4 On November 27, 2007, search warrants were executed at both residences. Each location  
5 contained an indoor marijuana cultivation operation in which 1621 Montgomery Drive had 40 marijuana  
6 plants seized and 3220 Gopher Canyon Road had 23 marijuana plants seized. Druker was arrested and  
7 charged with California Health & Safety 11357(c) Possession of Marijuana, 11359 Possession for sales,  
8 and 11358 Cultivation of Marijuana. On February 4, 2008, Druker pled guilty to Health and Safety code  
9 section 11358 Cultivation of Marijuana, a felony.

10 Druker was interviewed and admitted to growing marijuana at both locations. He further  
11 stated he has been selling the marijuana he grows to retail customers for at least the last two years. He  
12 admitted to grossing between \$18,000 to \$24,000 every 8 weeks by growing and selling the marijuana  
13 grown at both locations.

14 During the period beginning the first quarter of 2003 and ending the first quarter of 2007,  
15 no wage earnings have been reported by the California Employment Development department by an  
16 employer, and Druker has not filed for unemployment and/or disability benefits. Despite having no  
17 record of income, Druker made over \$4,000 of improvements to the defendant vehicle including a sound  
18 system, alloy wheels, a lift kit, and a special bumper.

19 4. On and/or prior to November 27, 2007, the defendant vehicle was a thing of value  
20 furnished or intended to be furnished in exchange for a controlled substance or listed chemical in  
21 violation of Title 21 of the United States Code, Section 881.

22 5. Alternatively, on and/or prior to November 27, 2007, the defendant vehicle represented  
23 the proceeds of or proceeds traceable to an exchange for a controlled substance or listed chemical in  
24 violation of Title 21 of the United States Code, Section 881.

25 6. Alternatively, on and/or prior to November 27, 2007, the defendant vehicle was used and  
26 was intended to be used to transport and/or to facilitate the transportation, and/or sale, and/or receipt,  
27 and/or possession, and/or concealment of a controlled substance in violation of Title 21 of the United  
28 States Code, Section 881(a)(4).

1       7. Because of the aforementioned acts or uses alleged herein, either singly or in  
2 combination, the defendant vehicle is subject to forfeiture pursuant to Title 21, United States Code,  
3 Section 881(a)(4) and (a)(6).

4       8. The defendant vehicle is presently stored within the jurisdiction of this Court.

5       9. The value of the defendant vehicle is approximately \$15,350.00.

6       WHEREFORE, the United States prays that due process issue to enforce the forfeiture of the  
7 defendants, and that due notice be given to all interested parties to appear and show cause why said  
8 forfeiture should not be declared.

9  
10      DATED: *April 17, 2008*

11                   KAREN P. HEWITT  
12                   United States Attorney

13                   *David M. McNees*

14                   DAVID M. MCNEES  
15                   Special Assistant U.S. Attorney

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## VERIFICATION

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2 I, John Gieson, hereby state and declare as follows:

3        1.    I am a Special Agent with the Drug Enforcement Administration.

4           2. I have read the foregoing complaint and know its contents.

5           3. The information in the complaint was furnished by official Government sources.

6 Based on this information, I believe the allegations in the complaint to be true.

6 Based on this information, I believe the allegations in the complaint to be true.

7 I declare under penalty of perjury that the foregoing is true and correct, to the best of my  
8 knowledge and belief. / /

9 Executed on 4/17/00

**JOHN GIESON**  
Special Agent, Drug Enforcement Administration

JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

## DEFENDANTS

One 1999 Ford F-350 Truck  
APR 17 AM 11:33County of Residence of First Listed Defendant S. D. CALIF. (IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known) '08 CV 0703 LAB NLS

(c) Attorney's (Firm Name, Address, and Telephone Number)

SAUSA David M. McNees, Tel. (619) 557-5979  
880 Front Street, Room 6293, San Diego, CA 92101-8893

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	PTF	DEF	
	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 890 Other Statutory Actions	
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 891 Agricultural Acts	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 892 Economic Stabilization Act	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 872 Black Lung (923)	<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 245 Torts Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 950 Constitutionality of State Statutes	
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 865 RSI (405(g))		
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